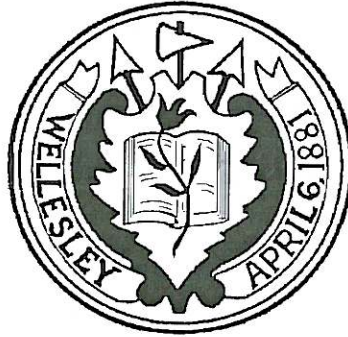


**TOWN OF WELLESLEY
COMMONWEALTH OF MASSACHUSETTS**



**REGULATIONS REGARDING FOR-
PROFIT TRANSIENT
VENDORS/BUSINESSES;
HAWKERS AND PEDDLERS; DOOR-TO-
DOOR SOLICITATIONS**

Revised January 5, 2009

It is understood that the Rules and Regulations contained herein are in compliance with and subject to the General Laws of the Commonwealth of Massachusetts.

These regulations, promulgated on June 16, 2008 and amended on January 5, 2009 shall supersede all previous regulations issued by the Town of Wellesley.

Local Licensing Authority: Wellesley Board of Selectmen

Table of Contents

Page

I.	Definitions	2
II.	Purpose	2
III.	Scope	2
IV.	Compliance	2
V.	Violations	4
VI.	Exemptions	4

These regulations governing for-profit transient vendors/businesses, hawkers and peddlers, and door-to-door solicitations are hereby enacted pursuant to the authority set forth in the Police Regulations of the Town of Wellesley, Bylaw Article 49.33. These regulations are intended to supplement, and not to replace or override, the Massachusetts General Law governing the foregoing activities, all as set forth in M.G.L. Chapter 101, §§ 1 through 34.

I. Definitions. The following terms shall have the meanings set forth in M.G.L. Chapter 101, §§1 et seq., and are summarized for the purposes of these regulations as follows:

1. "Transient Vendor", "Transient Business": A transient vendor is a person who conducts a transient business of profit. A transient business (also called a temporary business) is any exhibition and sale of goods, wares or merchandise which is carried on in any structure (such as a building, tent, or booth) unless such place is open for business during usual business hours for a period of at least 12 consecutive months.
2. "Hawker and Peddler": Any person who goes from place to place within the Town selling goods, whether on foot or in a vehicle, for profit, is a hawker or peddler (these two terms are interchangeable).
3. "Person": For purposes of these regulations, the persons being regulated herein are those persons over the age of 16 who are engaging in the activities regulated herein for or on behalf of for-profit organizations. (See Section VI, Exemptions).

II. Purpose. The purpose of these regulations is to ensure public safety by requiring persons conducting the foregoing activities which historically have a high potential for fraud and abuse to be licensed, either at the state level or local level, so that the Town's citizenry will know who is conducting these activities and that, to the degree set forth herein or in the applicable Massachusetts General Laws, they have identified themselves to the proper authorities, are bonded if required, and satisfy the minimum criteria.

III. Scope. These regulations shall apply to all persons conducting the foregoing activities within the Town.

IV. Compliance Requirements: Each person engaging in the foregoing activity shall, be subject to, responsible for, and fully in compliance at all times with the following requirements:

1. Registration requirements.

a. Persons not registered (licensed) by the state shall make application for a Wellesley registration card to the Chief of Police, on a form containing the following information: The applicant's name, signature, home address, the name and address of the owner or parties in whose interest the business is to be conducted, their business address and phone number, cellular telephone numbers for the applicant and business; a brief description of the business to be conducted within the Town; the applicant's social security number; the description and registration of any motor vehicles used by the applicant; and whether the applicant has ever been charged with a felony. The application shall be made under oath. The applicant shall be photographed for purpose of identification. The Chief of Police shall approve the application and issue a registration card within 48 hours of its filing unless he determines either that the application is incomplete, or that the applicant is a convicted felon, or is a fugitive from justice. The registration card shall be in the form of an identification card, containing the name, signature and photograph of the licensee. Such card shall be non-transferable, and valid only for the person identified therein and for the purpose as shown on the license. The card shall be valid for a period of two years from the date of issuance. Any such registration card shall be void upon its surrender or revocation, or upon the filing of a report of loss or theft with the Wellesley Police Department. The Chief of Police may revoke such registration card for good cause.

b. Persons registered (licensed) by the state shall not be subject to the foregoing paragraph, but are required to make themselves known to the Wellesley Police Department.

2. Registration card or license to be visibly displayed.

Such state or local registration card or license shall be displayed at all times while the business activity is being conducted, and shall be provided to any police officer upon request. The license shall also be affixed conspicuously on the outer garment of the licensee whenever he or she shall be engaged in the activity, except in the case of a transient business when the license shall be displayed visibly within the structure where such business is being conducted. Such registration card or license, if issued locally, shall be the property of the Town of Wellesley and shall be surrendered to the Chief of Police upon its expiration.

3. Registration card (license) fee.

The filing of a copy of a state license as required shall not be subject to a fee; the fee for a local registration card shall be \$ \$62.00 or as otherwise specified by the Director of the Office of Consumer Affairs and Business Regulation under Chapter 101, §22 of the Massachusetts General Laws.

4. Restrictions on activity.

- a. No activity governed by these regulations shall be conducted upon public or private premises that have been duly posted "No Solicitation" or words of similar meaning.
- b. No solicitations will be made after 5:00 pm or before 8:00 am.
- c. No solicitations will be made on official holidays or Sundays.
- d. No person may use any plan, scheme or ruse, or make any false statement of fact, regarding the true status or mission of the person making the call. *solicitation.*
- e. The Chief of Police may further regulate the hours and conditions under which the licensee may engage in door to door selling.

V. Violations and Penalties.

1. Any and all violations of these regulations may be enforced by any police officer, either by initiating criminal proceedings, or through the non-criminal disposition procedure set forth in Town Bylaw Article 52.1 et seq.
2. Any person violating any one or more of these regulations shall be subject to the following fines:
 - a. \$150 for the first offense.
 - b. \$300 for each subsequent offense, with each such subsequent offense constituting a separate offense.
3. Any person found committing a violation of these regulations may be arrested by a police officer without a warrant.

VI. Exemptions.

These regulations shall not apply to any person conducting sales of second hand articles as defined in Rules and Regulations Relating to Flea Markets, Garage

Sales, and Estate Sales in The Town of Wellesley, nor to any person engaged in the foregoing activities for or on behalf of a not-for-profit organization incorporated under Chapter 180 of the Massachusetts General Laws.

Promulgated this 5th day of January 2009, effective upon the filing of a copy hereof with the Town Clerk.

WELLESLEY BOARD OF SELECTMEN

Gregory B. Mills
Gregory B. Mills, Chairman

Barbara D. Searle
Barbara D. Searle, Vice Chairman

Owen H. Dugan
Owen H. Dugan, Secretary

Harriet S. Warshaw
Harriet S. Warshaw

Katherine L. Babson, Jr.
Katherine L. Babson Jr.